

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

In the Matter) CIVIL NO. 04-00740 DAE/LEK
)
 of) **IN ADMIRALTY**
)
The Complaint of PETITIONER) DECLARATION OF COUNSEL
LAHAINA PARASAIL, INC., a)
Hawaii corporation, regarding Motor)
Vessel RED NORDIC, Official)
Number HA 1056 CP for exoneration)
from or limitation of liability,)
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Petitioner-Counterclaimant.)
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DECLARATION OF COUNSEL

I, Roy Y. Yempuku, hereby declare as follows:

1. Declarant is an attorney for Petitioner Lahaina Parasail, Inc. and makes this Declaration upon personal knowledge unless otherwise indicated.
2. Exhibit A is a true and complete copy of Petitioner's *Proof of Service* of its Counterclaim and Summons against Counterclaim Defendant Paul E. Lee on March 2, 2006.

3. Counterclaim Defendant Paul E. Lee has failed to plead or otherwise defend against Petitioner's Counterclaim within the time allowed by the Federal Rules of Civil Procedure and/or by the Summons.

4. This Declaration is executed in accordance with FRCP Rule 55(a) for the purpose of enabling Petitioner-Counterclaimant Lahaina Parasail, Inc. to obtain an entry of default against Counterclaim Defendant Paul E. Lee for failure to answer or otherwise defend.

I declare under penalty of perjury that the foregoing is true and correct to the best of knowledge and belief.

DATED: Honolulu, Hawaii, March 24, 2006.

/s/ ROY Y. YEMPUKU

In the Matter of The Complaint of PETITIONER LAHAINA PARASAIL, INC., a Hawaii corporation, regarding Motor Vessel RED NORDIC, Official Number HA 1056 CP for exoneration from or limitation of liability, CIVIL NO. 04-00740 DAE/LEK

Request for Entry of Default Against Counterclaim Defendant Paul E. Lee; Declaration of Counsel; Exhibit "A"; Entry of Default; Certificate of Service